

## ORDINANCE NO. 7498

### ORDINANCE TO CREATE CHAPTER 9.57 ENTITLED “NEIGHBORHOOD ASSOCIATION EVENT”, AMEND CHAPTER 9.58 ENTITLED “BLOCK PARTY” AND CHAPTER 9.59 ENTITLED “SPECIAL EVENTS” OF THE CITY CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

**SECTION 1.** *That Chapter 9.57 entitled “Neighborhood Association Event” is hereby created to read as follows:*

#### **Chapter 9.57**

#### **NEIGHBORHOOD ASSOCIATION EVENT**

##### **Sections:**

- 9.57.010 Purpose**
- 9.57.020 Definition.**
- 9.58.030 Permit Required.**
- 9.58.040 Application.**
- 9.57.050 Approval.**
- 9.58.060 Noise.**
- 9.58.070 Hours.**
- 9.58.080 Park Regulations.**
- 9.57.090 Cleanup.**
- 9.57.100 Sales.**
- 9.57.110 Fees.**
- 9.57.120 Alcohol.**
- 9.57.130 Liability and insurance.**
- 9.57.140 Appeal.**
- 9.57.150 Violation--Penalty.**

**9.57.010. Purpose.** The purpose of a neighborhood association event is to bring neighborhood communities together, for the residents of the neighborhood associations to get to know each other, and foster safety and security for the residents of a neighborhood association.

**9.57.020. Definition.** Neighborhood association event shall mean a gathering solely for residents of the neighborhood, hosted by a City-recognized neighborhood association at a park facility or public property within the neighborhood association’s boundaries, or if no park is within the boundaries, at the park closest to the neighborhood. This chapter shall not apply to any of the following:

- A. Any march, public assembly, or other activity protected by the First Amendment to the United States Constitution.
- B. City-sponsored events.
- C. Events exempted by contract with the city of Eau Claire.
- D. Any regularly scheduled business meeting of the neighborhood association.

**9.57.030. Permit Required.** A neighborhood association event shall have a neighborhood association event permit. It is unlawful for a neighborhood association event to take place without a neighborhood association event permit.

**9.57.040. Application.** Application for a neighborhood association event permit shall be submitted to the department of community services at least 30 days prior to the neighborhood association event on the form prescribed by such department.

**9.57.050. Approval.** The director of community services or designee may approve, approve with conditions, or deny the application for reasons of public health, safety, or welfare, or due to previous or proposed violation of this chapter, the city code of ordinances, applicable state or federal law, or unpaid charges from previous neighborhood association events.

**9.57.060. Noise.** Neighborhood association events are subject to noise regulation under Ch. 9.56.

**9.57.070. Hours.** Neighborhood association events shall end within the hours of park operation. A street or alley closed for a neighborhood association event shall be reopened 30 minutes prior to sunset or within 30 minutes of event conclusion, whichever is sooner.

**9.57.080. Park Regulations.** A neighborhood association event permit shall not exempt the permit holder or guests from the requirements of Ch. 9.76 regulating parks and public grounds.

**9.57.090. Cleanup.** Cleanup from a neighborhood association event shall be the responsibility of the neighborhood association. Failure to place all trash, recycling, or other items in appropriate locations or remove it from public property shall result in restoration costs assessed to the neighborhood association and may be considered for denial of any future event.

**9.57.100. Sales.** Neighborhood association events may include the sale of food or non-alcoholic beverages, with the exception of homemade food and with receipt of any necessary licenses. Merchandise sales, other than items directly sold by the neighborhood association, shall be prohibited. Garage sales, rummage sales, swap meets, or other similar activities shall be prohibited. Admission may be charged to a neighborhood association event.

**9.57.110 Fees.** Fees for use of public property and services shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

**9.57.120. Alcohol.** Alcohol may be permitted at a neighborhood association event if alcohol is otherwise permitted on the relevant public property pursuant to Chs. 9.52 and 9.76.

**9.57.130. Liability and insurance.** A. The neighborhood association event permit holder agrees to indemnify, defend, save, and hold harmless the city, its officers and employees, from and against any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the neighborhood association event.

B. The neighborhood association event permit holder shall provide proof of liability and property damage insurance in the amount of at least \$1,000,000 per occurrence, with the city of Eau Claire named as an additional insured.

C. The neighborhood association event permit holder shall provide to the director of community services or designee, at least 30 days prior to the event, a certificate of insurance as evidence that the requirements set forth in this section have been met.

**9.57.140. Appeal.** Appeal from a denial made under this chapter shall be made to the administrative review board under the procedures specified in Ch. 1.06.

**9.57.150. Violation--Penalty.** Any person violating any provision of this chapter, or any order, requirement, or condition imposed under this chapter by the director of community services or designee, shall be subject to a forfeiture of not less than \$50 or more than \$500 per day for each violation, together with the costs of prosecution.

**SECTION 2.** *That Chapter 9.58 entitled “Block Party” is hereby amended to read as follows:*

**9.58.010 Definition.** Block party (“party”) shall mean a neighborhood social and recreational gathering of persons residing in adjacent city blocks where a portion of a street or alley sought to be closed and used for the gathering is completely residential. A party is a privately sponsored gathering that is not sponsored by an organization or business. A party does not involve the sale of ~~food~~, alcohol or homemade food concessions and is not a neighborhood association event as defined by Ch. 9.57.

**9.58.060 Hours.** A street or alley closed for a party shall be reopened 30 minutes prior to sunset or within 30 minutes of event conclusion, whichever is sooner.

**SECTION 3.** *That Chapter 9.59 entitled “Special Events” is hereby amended to read as follows:*

**9.59.110 Liability and insurance.** A. The special events permit holder agrees to indemnify, defend, save, and hold harmless the city, its officers and employees, from and against any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the special event.

B. The special events permit holder shall provide proof of liability and property damage insurance in the amount of at least \$1,000,000 per occurrence, with the city of Eau Claire named as an additional insured.

C. The special events permit holder shall provide to the director of community services, at least 45~~30~~ days prior to the event, a certificate of insurance as evidence that the requirements set forth in this section have been met.

(SEAL) President Terry L. Weld  
(SEAL) City Manager Stephanie A. Hirsch  
(ATTESTED) City Clerk Nicholas L. Koerner

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